

DECISION
TALBOT COUNTY BOARD OF APPEALS
Appeal No. 11-1565

Pursuant to due notice, a public hearing was held by the Talbot County Board of Appeals at the Bradley Meeting Room, Court House, South Wing, 11 North Washington Street, Easton, Maryland, beginning at 7:30 p.m., October 17, 2011, on the application of **GARY SALUTI** ("Applicant"). The Applicant is requesting several variances for a 12' x 14' shed. He is requesting a variance of the required 25-foot rear yard setback to 2.5 feet for the shed and 0 feet for the foundation, a variance of the required 10-foot side yard setback to 6.3 feet for the shed and 1 foot for the foundation, and a variance of the required 10-foot minimum distance between structures to 4.5 feet. The property is located on 7622 Sherwood Road, Sherwood, Maryland 21665 Village Center/Critical Area (VC/CA) zone. It is owned by the Applicant. The request is made in accordance with Chapter 190 Zoning, Article II, §190-14; Article V, § 119-118 C (2); and Article IX, §190-182 of the Talbot County Code ("Code").

Present at the hearing were Board of Appeals members Paul Shortall, Jr., Chairman; Phillip Jones, Vice Chairman; Rush Moody; Betty Crothers; and John Sewell. Glenn D. Klakring was the attorney for the Board of Appeals.

It was noted for the record that all of the members of the Board had visited the site.

The following exhibits were offered and admitted into evidence as Board's Exhibits as indicated:

1. Application for variance with Attachment A.
2. Copy of a portion of the Talbot County tax map with the property highlighted.
3. Appeals Notice of Public Hearing.
4. Certificate of publication of the Notice of Public Hearing from the Star-Democrat.
5. Notice of hearing with a list of nearby property owners attached.
6. Copy of variance requirements from the Code with the Applicant's response to each applicable requirement as Attachment B.

7. Staff memorandum.
8. Sign maintenance agreement.
9. Site plans, proposed and existing (two pages).
10. Independent Disclosure and Acknowledgement Form.
11. Aerial photograph.
12. Photographs of existing shed (two pages).
13. Impervious surface calculation worksheets (two pages).
14. Notice from four adjacent property owners stating their approval of the shed placement.
15. Definition of foundation system.

Mr. Saluti testified in support of his application. He said that he and his wife are from Pennsylvania and discovered the Sherwood area by boat. They purchased the property about four years ago. They were part-time residents at first but they now live there full-time. The house is small with almost no storage space.

They proposed to install a premade 12' x 14' storage shed on a corner of the property where there was previously a somewhat smaller shed. The new shed would mainly be used for clothing storage. The previous shed was old and unsuitable for storage.

They had their property resurveyed to have a plat depicting the location of the septic system. The plat shows that the proposed location of the shed is the only reasonable place available on the lot for the shed. It is in a corner area that has poor drainage so they have had it improved with a gravel foundation for the shed. The gravel foundation is about six inches deep and includes an area necessary for a drip edge as suggested by their contractor.

They had considered expanding their existing garage. However, the garage also sits on an area of poor drainage and the inside of the garage is wet most of the time, especially after a rain storm. The garage would have to be entirely rebuilt at considerable expense.

The property behind their lot is also poorly drained and not suitable for building. It is a narrow wooded area between their lot and Maryland Highway 33.

The Applicant provided the Board with documentation that his most affected neighboring property owners do not object to his proposal.

No one appeared in opposition to the application.

There being no further evidence the Board considered the application.

After some discussion and upon motion duly made and seconded, the Board made the following findings of fact and law:

1. All legal requirements pertaining to a public meeting were met.
2. Certain unique physical characteristics exist, such as unusual size or shape of the property or extraordinary topographical conditions, such that a literal enforcement of the provisions of the Code would result in practical difficulty or unreasonable hardship in enabling the Applicants to develop the property. The lot is in a narrow area between Sherwood Road and Maryland Route 33. It fronts on Sherwood Road and the rear property line is adjacent to a narrow strip of land between it and Maryland Route 33. The area behind the proposed location of the shed is essentially unbuildable. Previous improvements to their lot prevent the location of a storage shed anywhere else on the property. The proposed shed will replace another that was in the same location.
3. The granting of the variance is not based upon circumstances which are self-created or self imposed.
4. Greater profitability or lack of knowledge of the restrictions was not considered as sufficient cause for the variance.
5. The granting of the variance will not be contrary to the public interest and will not be a detriment to adjacent or neighboring properties.

6. The variance does not exceed the minimum adjustment necessary to relieve the practical difficulty or unreasonable hardship.

HAVING MADE THE FOREGOING FINDINGS OF FACT AND LAW, IT IS, BY THE TALBOT COUNTY BOARD OF APPEALS,

RESOLVED, that the Applicant, **GARY SALUTI** (Appeal No. 11-1569) is **GRANTED** the requested variance consistent with the evidence provided the Board of Appeals. The variance is subject to the following conditions

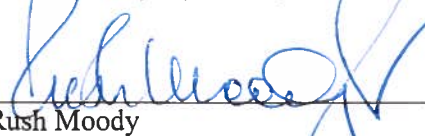
1. The Applicants shall make application to and follow all of the rules, procedures, and construction timelines as outlined by the Department of Permits and Inspections regarding new construction.
2. The Applicants shall commence construction on the proposed improvements within eighteen months from the date of this decision.


The vote of the Board was five to zero to grant the variance.

GIVEN OVER OUR HANDS, this 25TH day of OCTOBER, 2011.

TALBOT COUNTY BOARD OF APPEALS


Paul Shortall, Jr., Chairman


Rush Moody


John Sewell


Phillip Jones, Vice Chairman


Betty Crothers